

## Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-3512/1</b>	<b>Introduction Number</b> <b>AB-0486</b>	
<b>Description</b> Requiring consultation with a child in determining and reviewing his or her permanency plan; requiring agencies, in making reasonable efforts to place a child in a permanent placement, to include efforts to place the child outside this state; requiring juvenile courts to take certain actions to expedite the interstate placement of children; requiring juvenile courts to give a child's out-of-home care provider the right to be heard in proceedings involving the child; requiring notice to relatives when a child is removed from the home; requiring reasonable efforts to place siblings together or to provide for visitation between siblings; requiring agencies to assist children in developing a plan for transition to independent living; requiring health care providers to report cases of infants with controlled substances in their bodily fluids to the agency responsible for investigating suspected child abuse or neglect; authorizing circuit court commissioners to conduct permanency plan reviews and hearings; specifying certain placements for purposes of calculating how long a child has been placed outside the home for purposes of filing a termination of parental rights petition; and permitting disclosure of information to a relative of a child for purposes of facilitating placement of the child with the relative or to a public or private agency in this state or any other state for purposes of investigating a proposed foster or adoptive placement		
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> No State Fiscal Effect  <input checked="" type="checkbox"/> Indeterminate                      <input type="checkbox"/> Increase Existing Appropriations                      <input type="checkbox"/> Decrease Existing Appropriations                      <input type="checkbox"/> Create New Appropriations                 </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                 </div> <div style="width: 35%;"> <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget                      <input checked="" type="checkbox"/> Yes      <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs                 </div> </div> <b>Local:</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <input type="checkbox"/> No Local Government Costs  <input checked="" type="checkbox"/> Indeterminate                      1. <input checked="" type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue                          <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue                          <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 35%;"> <b>5. Types of Local Government Units Affected</b>  <input type="checkbox"/> Towns      <input type="checkbox"/> Village      <input type="checkbox"/> Cities  <input checked="" type="checkbox"/> Counties      <input type="checkbox"/> Others  <input type="checkbox"/> School Districts      <input type="checkbox"/> WTCS Districts                 </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEGS                         </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>		
<b>Agency/Prepared By</b> DCF/ Robert Nikolay (608) 261-4349	<b>Authorized Signature</b> Kimmie Collins (608) 266-8692	<b>Date</b> 10/21/2009

## Fiscal Estimate Narratives

DCF 10/21/2009

LRB Number	09-3512/1	Introduction Number	AB-0486	Estimate Type	Original
<b>Description</b> Requiring consultation with a child in determining and reviewing his or her permanency plan; requiring agencies, in making reasonable efforts to place a child in a permanent placement, to include efforts to place the child outside this state; requiring juvenile courts to take certain actions to expedite the interstate placement of children; requiring juvenile courts to give a child's out-of-home care provider the right to be heard in proceedings involving the child; requiring notice to relatives when a child is removed from the home; requiring reasonable efforts to place siblings together or to provide for visitation between siblings; requiring agencies to assist children in developing a plan for transition to independent living; requiring health care providers to report cases of infants with controlled substances in their bodily fluids to the agency responsible for investigating suspected child abuse or neglect; authorizing circuit court commissioners to conduct permanency plan reviews and hearings; specifying certain placements for purposes of calculating how long a child has been placed outside the home for purposes of filing a termination of parental rights petition; and permitting disclosure of information to a relative of a child for purposes of facilitating placement of the child with the relative or to a public or private agency in this state or any other state for purposes of investigating a proposed foster or adoptive placement					

### Assumptions Used in Arriving at Fiscal Estimate

This bill amends various provisions of the Children's Code and Juvenile Justice Code to conform state statutes to federal law related to, among other things, permanency planning for children in out-of-home care; reporting on infants whose bodily fluids contain a controlled substance; and authorizes a circuit commissioner assigned to assist in juvenile matters to review a child's permanency plan.

**Permanency Planning.** The bill requires the Department, a county or licensed child welfare agency to include in a child's permanency plan procedural safeguards to ensure that the court or administrative body conducting a permanency plan hearing consults, in an age- and developmentally-appropriate manner, with the child regarding the proposed permanency plan.

The bill also requires that a permanency plan that includes adoption to include reasonable efforts to achieve the goal, including, if appropriate, through an out-of-state placement. It requires the court to include a finding as to whether reasonable efforts have been made to achieve the goal, including, if appropriate, through an out-of-state placement and to consider an out-of-state placement if it would be in the child's best interest. The bill also requires state juvenile courts to cooperate with courts in other states to obtain information and testimony and to allow participation by agencies and other parties in those proceedings without requiring interstate travel by those persons or agencies.

**Right to be Heard.** The bill requires a juvenile court to give a foster parent, an operator of a facility or relative with which a child is living, or other physical custodian of a child a right, rather than an opportunity under current law, to be heard at any hearing under the Children's Code or Juvenile Justice Code involving the child, other than a hearing for which notice need only be provided to the child or his or her counsel.

**Notice to Relatives.** The bill requires the juvenile court to request a child's parent to provide the names of three relatives of the child or individuals 18 years of age or older whose homes the parent requests the court to consider as placements for the child. The court must then direct the agency to conduct a diligent search to locate and provide certain information to all of the names provided by the parent and to all adult relatives of the child within 30 days after the hearing.

**Placement with Siblings.** The bill requires an agency in the permanency plan or the juvenile court in an order for the removal of a child from the home and who has one or more siblings who have also been removed from the home to include a description of the efforts made to place the child in a placement that enables the sibling group to remain together, or if not, a statement as to why a joint placement would be contrary to the safety or well-being of the child or sibling, and a description of efforts to provide ongoing interaction between the child and siblings. The bill also requires an agency, before placing a child for adoption to make reasonable efforts to place the child with an adoptive parent or proposed adoptive parent of a sibling, unless it would be contrary to the safety or well-being of the child or sibling, or to provide for ongoing interaction between the child and siblings.

**Independent Living Transition Plan.** The bill requires the agency primarily responsible for providing services to a child placed in an out-of-home setting to provide the child with assistance, support and certain information in developing a plan for making the transition to independent living no later than 90 days before the child turns 18 or 90 days before an order terminates if a juvenile court order terminates after the child turns 18.

**Reporting of Infants Affected by Controlled Substances.** The bill requires a physician who determines that there is a serious risk that an infant's bodily fluids contain a controlled substance to report that information to the agency responsible for investigating suspected child abuse or neglect. The bill requires the county or child welfare agency to offer or make arrangements for the provision of appropriate services for the infant and the infant's mother.

**Circuit Court Commissioner Review of Permanency Plans.** The bill expands the proceedings for which a circuit court commissioner assigned to assist in juvenile matters can conduct to include permanency plan reviews and hearings.

**Termination of Parental Rights Filing Requirements.** The bill clarifies current language related to termination of parent rights (TPR) petitions that for purposes of determining whether a child has been placed outside the home for 15 of the most recent 22 months, only includes periods during which the child was placed in a foster home, treatment foster home, group home, non-secured residential care center, or shelter care facility.

**Informal Disposition.** The bill clarifies that an informal disposition may not include any form of out-of-home placement, not just a residential placement under current law.

**Confidentiality of Records.** The bill creates an exception to the confidentiality of agency and child abuse and neglect records so that an agency may disclose information to: (1) a relative of a child who is placed outside his or her home only to the extent necessary to facilitate the establishment of a relationship between the child and the relative or a placement of the child with a relative; (2) a public or private agency that is investigating a person for purposes of licensing the person to operate a foster home or placing a child for adoption in the home of the person.

While some of the provisions of the bill place additional requirements on the Department, counties and child welfare agencies, which may result in additional costs to these agencies, the fiscal impact of these new requirements cannot be determined.

## **Long-Range Fiscal Implications**